United Nations S/2009/504

Security Council

Distr.: General
2 October 2009

Original: English

Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 21 January to 23 September 2009)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1867 (2009), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2010. It covers major developments in Timor-Leste and the implementation of the Mission's mandate since my report of 4 February 2009 (S/2009/72).

2. As at 31 August 2009, UNMIT consisted of a civilian component comprising 363 international staff (127 women); 888 national staff (170 women); 1,560 police officers (61 women); and 33 military liaison and staff officers (one woman). The United Nations country team consisted of 260 international staff (110 women) and 481 national staff (121 women). My Special Representative, Atul Khare, continued to lead the Mission and to coordinate with United Nations system actors and other stakeholders. He was assisted by Finn Reske-Nielsen, Deputy Special Representative for Governance Support, Development and Humanitarian Coordination, and by Takahisa Kawakami, Deputy Special Representative for Security Sector Support and Rule of Law. UNMIT continued its "one United Nations system" approach, having developed an integrated strategic framework and achieved further progress through the undertaking of joint integrated efforts with the United Nations country team across all mandated areas.

II. Political and security developments since January 2009

3. The reporting period was marked by an important historical milestone, with the celebration on 30 August of the tenth anniversary of the popular consultation. Many dignitaries and international guests attended festivities organized by the Government and the Office of the President. Ian Martin, my former Special Representative and head of the United Nations Mission in East Timor (UNAMET), participated on my behalf.

4. The security situation remained calm during the reporting period, with substantial progress made in addressing the situation of internally displaced persons, a major public reminder of the 2006 crisis. As at 22 August, all 65 camps for

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internally displaced persons in Dili and Baucau had officially been closed without significant incident (see S/2009/72, paras. 45 and 46 below). About 3,000 internally displaced persons remained in transitional shelters as at 31 August, although the Government had announced that all shelters would close in September. Post-return monitoring reports point to a number of potentially destabilizing recovery issues, particularly concerning housing conditions and land and property. On 13 July, trial proceedings commenced against Gastão Salsinha, an associate of the late Military Police Commander of the Falintil-Forças de Defesa de Timor-Leste (F-FDTL), and 27 co-defendants accused of involvement in the 11 February 2008 attacks on the President, José Ramos-Horta, and the Prime Minister, Kay Rala Xanana Gusmão (see S/2008/501, paras. 3-6 and 16). Reintegration of the F-FDTL "petitioners" (see S/2009/72, para. 3) into civilian life proceeded smoothly.

5. Progress in addressing the challenges resulting from the 2006 crisis enabled State institutions to further intensify their efforts to strengthen democratic institutions and processes. The resumption of primary policing responsibilities by the national police, the Polícia Nacional de Timor-Leste, through a gradual, phased approach based on criteria mutually agreed between the Government and UNMIT began on 14 May in Lautém District (see para. 20 below). On 10 June, the Council of Ministers approved an important package of draft security sector legislation that was then submitted to the Parliamentary Committee on Foreign Affairs, Defence and National Security for review (see para. 25 below).

6. On 8 July, President Ramos-Horta promulgated the Law on Community Authorities and their Election (referring to village chiefs and councils) after receiving the opinion of the Court of Appeal, the highest court in the absence of a Supreme Court, that the law was constitutional. Subsequently, the National Electoral Commission set 9 October 2009 as the election date. UNMIT is providing support for the organization of the elections (see para. 13 below), which will be technically more challenging than the national elections of 2007, given that each of the 442 villages will have a unique ballot.

7. The Parliament adopted important legislation aimed at enhancing democratic governance, including for the establishment of anti-corruption and civil service commissions (see para. 12 below), and the Government deposited instruments of ratification of the United Nations Convention against Corruption (see para. 36 below) and of four core conventions of the International Labour Organization (ILO) (see para. 44 below). On 14 July, Parliament adopted its first gender-related budget resolution with cross-party support. The resolution urged the Government to establish a coordination mechanism to ensure that budgetary allocations are made to meet the needs of both women and men as well as girls and boys. On 30 July, a delegation from Timor-Leste, led by the Secretary of State for the Promotion of Equality, participated in its first constructive dialogue with the Committee on the Elimination of Discrimination against Women in New York.

A. Support for dialogue and reconciliation

8. The celebratory activities on and around 30 August further demonstrated the international community's continued support for Timor-Leste and its efforts to overcome the 2006 crisis and 2008 attacks. That support was also evident at such events as the second international women's conference for peace, on the theme

"Women as creative agents for peace building", held in Dili on 5 and 6 March, which brought together about 350 participants from 28 countries to discuss issues relating to women's experiences in peacebuilding. The Prime Minister gave the opening speech at the conference, which was organized by civil society with support from the Government of Norway, the United Nations Development Fund for Women (UNIFEM) and UNMIT.

9. My Special Representative encouraged consultative and democratic decision-making processes involving a broad range of stakeholders. He continued his weekly meetings with the President; the Prime Minister; the President of Parliament, Fernando "Lasama" de Araújo; and the Secretary-General of the Frente Revolucionária do Timor-Leste Independente (Fretilin), Mari Alkatiri. During the period under review, two meetings of the High-level Coordination Committee and seven meetings of the Trilateral Coordination Forum were held (see S/2008/501, para. 9), as well as seven meetings with representatives of all political parties (including those without parliamentary representation). Two of the latter meetings were with women party representatives, an initiative that began during the present reporting period and will continue on a trimestral basis. My Deputy Special Representative for Governance Support, Development and Humanitarian Coordination initiated monthly meetings in April with the recently appointed Deputy Prime Minister for the Coordination of Affairs Related to the Administration of the State, Mário Carrascalão, to discuss accountability and transparency initiatives, and continued weekly meetings with the Deputy Prime Minister, José Luís Guterres, to discuss governance and humanitarian issues, while my Deputy Special Representative for Security Sector Support and Rule of Law continued regular meetings with the Secretaries of State for Security and for Defence to discuss such issues as the resumption of primary policing responsibilities by the national police and F-FDTL development.

10. All political parties continued to demonstrate respect for State institutions. On 24 June, Fretilin issued a press release calling on all parties to abide by the Court of Appeal decision that a decree-law establishing a national petroleum authority was constitutional, after having petitioned the Court for a review of its constitutionality. Fretilin also continued to play an important role in Parliament. However, the party continued to publicly deny the legitimacy of the Alliance for a Parliamentary Majority (AMP) Government (see S/2007/513, para. 4) and to call for elections before the end of the term of the current Parliament, in 2012. In a speech to Parliament on 17 March, President Ramos-Horta made an appeal to strengthen political debate and to turn it into a tool for consensus-building and for uniting the country around the challenges it faced.

11. Dialogue and reconciliation efforts also continued at the local level. Government dialogue teams, established with the support of the United Nations Development Programme (UNDP) (see S/2009/72, para. 9), successfully facilitated 45 preparatory meetings, building up to 16 community dialogue meetings as at 31 August. The teams also supported mediations in 392 cases, 231 of which were resolved. Those efforts focused primarily on issues related to the reintegration of internally displaced persons.

B. Enhancing democratic governance

12. The implementation of the administrative reforms announced by Prime Minister Gusmão in May 2008 (see S/2008/501, para. 13) continued, including progress in the development of relevant legislative frameworks. Mário Carrascalão was sworn in on 22 January in the new position of Deputy Prime Minister for the Coordination of Affairs Related to the Administration of the State, with responsibility for monitoring administrative reform initiatives. On 29 April, the Council of Ministers approved a decree-law allowing the Office of the Inspector General to perform internal audit functions. On 22 May and 29 June, Parliament approved laws establishing anti-corruption and civil service commissions, respectively. The Government appointed three of the five civil service commissioners on 12 August; Parliament will select the other two. UNMIT provided technical advice to the Government during the drafting and consultation processes for those laws. The United Nations Capital Development Fund and UNDP continued to advise the Government on decentralization policy. Parliament approved the Law on Territorial and Administrative Division on 10 June and also considered draft laws on local government and municipal elections, which involved intensive public consultations throughout the country. In collaboration with Redefeto, an umbrella civil society organization of women's groups, and the East Timor non-governmental organizations Forum, UNIFEM supported consultations between the Timor-Leste Women Parliamentarians' Caucus and women's organizations and leaders to review the draft laws on decentralization and local government and for the election of community leaders.

13. As requested by the Security Council in its resolution 1867 (2009) of 26 February 2009, UNMIT extended support for the preparation of local (village) elections, to be held on 9 October, including the deployment of 62 United Nations Volunteers. UNMIT and UNDP staff, in an integrated manner, are supporting electoral management bodies through the provision of technical advice on legislation, operations and logistics planning. On 27 August, the six-day nomination period concluded, with the registration of 1,168 village council candidate lists totalling close to 27,000 candidates, according to the Technical Secretariat for Electoral Administration. UNIFEM and the United Nations Democracy Fund supported Redefeto in the training of 195 district facilitators (including 97 women) on transformative leadership and politics who, in turn, were involved in the training of more than 300 women who are potential candidates for the village elections.

14. UNMIT, in collaboration with national stakeholders, organized six democratic governance forums (see S/2009/72, para. 10) aimed at providing citizens an opportunity to interact directly with their leaders on major governance issues. The President, the President of Parliament, the Prime Minister, the President of the Court of Appeal, the Provedor for Human Rights and Justice, and the Secretary-General of Fretilin participated. UNMIT continued its capacity-building activities in the media sector, in particular with national radio and television personnel. UNMIT also provided support for public information campaigns relating to important events such as the anniversary of the 5 May Agreement of 1999, the tenth anniversary of the popular consultation and the upcoming village elections.

C. Maintenance of public security

15. There was no change in the UNMIT police strength during the present reporting period, with 1,560 officers (61 women) as at 31 August. Of those, 918 officers (including 138 in the Malaysian formed police unit, 140 in the Portuguese formed police unit, and 37 in the Pakistani formed police unit) were deployed in Dili and 642 to other districts, including 139 in the Bangladeshi formed police unit (99 in Baucau and 40 in Viqueque) and 103 in the Pakistani formed police unit (79 in Bobonaro and 24 in Ermera). They continued to perform the mandated task of interim law enforcement and undertook efforts to support training, institutional development and the strengthening of the national police. There is a continuing need to increase the number of women officers in the UNMIT police (which, at 4 per cent remains low), while women constitute 20 per cent of the national police force.

16. The security situation remained generally calm, owing in part to proactive policing strategies and the UNMIT leadership's active engagement with key political stakeholders. Those strategies included the provision of training by the UNMIT police to the national police in the area of community-based policing, supported by the Governments of Australia and of New Zealand. The UNMIT police and the national police also successfully implemented operational plans for special events such as the popular consultation anniversary celebrations. On average, 97 incidents of all types were reported each week (the majority of them were assaults), compared with 118 in the previous reporting period. Incidents involving serious crimes remained at an average of two per week, with no major public disturbances or spikes in violence. Incidents of assault and domestic assault constituted 40 per cent of all reported crime in Timor-Leste, highlighting the need for continued efforts to address sexual and gender-based violence, which continues to be a major public security concern. The resumption of primary policing responsibilities by the national police force in three districts and at the Police Training Centre did not result in any increased crime or disorder. Close cooperation with the international security forces continued.

17. The establishment of clear command and control arrangements between security institutions in border areas remains crucial. On 16 July, the Government authorized the creation of a committee for the coordination of border operations to tackle this and other border security challenges. UNMIT military liaison officers continued to facilitate effective working relationships between the border security agencies of Timor-Leste and Indonesia and to play an information-gathering role throughout Timor-Leste. At the request of the Government, they conducted mentoring workshops on 20 and 21 April as well as 15 and 16 July for F-FDTL liaison officers deployed to the border districts of Bobonaro and Covalima. The Government expressed appreciation for the workshops, which were also reviewed by a visiting technical team from the Security Sector Reform Unit and the Office of Military Affairs of the Department of Peacekeeping Operations.

18. An incident of concern occurred on 7 June, when a fight broke out between youth gangs at a market in Bobonaro District. UNMIT police and national police officers were first on the scene, but F-FDTL officers arrived subsequently and became involved in attempting to stop the fight, impeding the efforts of UNMIT police in a district where they still had primary policing responsibilities. To prevent a recurrence of such incidents, UNMIT and the Government established an informal

district consultation mechanism involving UNMIT police and military liaison officers, the national police, F-FDTL and local administration officials. In another incident, which occurred in Dili on 27 June, an UNMIT formed police unit responded to an incident at a restaurant, and, after its arrival, an off-duty national police officer discharged a firearm. The officer was suspended, and appropriate internal disciplinary and criminal investigations are ongoing. The manner of the unit's involvement is also the subject of an internal UNMIT investigation, which has been prioritized so as to address any sensitivities arising from this case.

D. Support for and institutional strengthening of the security institutions

19. Continued efforts have led to further progress in the registration, screening and certification programme for the national police, in accordance with the "Policing Arrangement" (see S/2008/501, para. 15), with 2,897 officers (557 women), or 92 per cent of the service, fully certified as at 31 August. The remaining 259 officers (18 women) face pending criminal and/or disciplinary proceedings. Of those, 64 require adjudication by the Timorese-led Evaluation Panel, with the remaining 195 at other stages of investigatory and inquiry processes. Difficulties with the Evaluation Panel persisted during the reporting period, as it convened only in early September owing to delays in the approval of its budget and uncertainties regarding the status of the Government-appointed Chairman of the Panel (see S/2009/72, para. 20). From 15 to 30 July, the Government reopened registration for unregistered officers, of whom 53 (nine women) then registered. Furthermore, as at 31 August, 71 national police officers (12 women) were still unregistered; 63 (11 women) of them were still on the payroll list. The Government began to take measures against those officers not certified as a result of pending criminal investigations or alleged human rights abuses, including the dismissal of one officer who had also failed to register. As action against uncertified officers within a particular district or unit is a prerequisite for the resumption by the national police of primary policing responsibilities, UNMIT has encouraged the Government to take appropriate measures in all outstanding cases.

20. The resumption of primary policing responsibilities by the national police began on 14 May with Lautém District, followed by Oecussi District on 30 June, Manatuto District on 25 July and the Police Training Centre on 11 September. Prior to the start of this phase of police reconstitution, on 13 May Prime Minister Gusmão and my Special Representative concluded an agreement, in the form of an exchange of letters, which set forth the specific roles and responsibilities of the UNMIT police and the national police after the latter resumes primary policing responsibilities in a district or unit (see S/2009/72, para. 22). The agreement reiterates the mutually agreed criteria for resumption: (a) the ability of the national police to respond appropriately to the security environment in a given district; (b) the final certification of at least 80 per cent of eligible officers in a given district or unit to resume primary policing responsibility; (c) the availability of initial operational logistical requirements; and (d) institutional stability, which includes, inter alia, the ability to exercise command and control, and community acceptance. The agreement also provides for the establishment of a joint technical team consisting of civilian and police representatives from the Government and UNMIT to determine the readiness of the districts and units on the basis of those criteria. In districts and units

where the national police resume primary policing responsibilities, UNMIT police will continue to play a crucial role in monitoring and tracking progress in the development of the institution, providing advice and support, and, in extremis, reassuming interim law enforcement, if required and requested.

21. The agreement also outlines a framework for a joint mechanism to monitor the progress of the national police in districts and units where they have resumed primary policing responsibilities in order to sustain the continual reform, restructuring and rebuilding of the force. The first monitoring reports from the three districts and one unit where resumption has taken place indicate that the national police are satisfactorily fulfilling their responsibilities and have dealt promptly with instances of disciplinary misconduct. Nevertheless, continued monitoring, in particular of the critical vulnerable persons units and the capacity of the national police to meet logistical support requirements, remains vital.

22. The Government continues to review and revise the legislative and regulatory frameworks relating to the police. A new organic law on the national police was promulgated on 10 February that would introduce significant changes in its organizational structure. Procedures for its implementation are being developed jointly by the national and the UNMIT police. The organic law is expected to strengthen the performance of the national police, in particular in terms of its chain of command, and improve the efficiency of special units by combining them into one. At the request of the Secretary of State for Security, UNMIT provided support for the implementation of decree-laws on police promotion and salaries, promulgated on 13 December 2008. The former specifies that only certified national police officers are eligible for promotion.

23. Given that the national police will have to resume primary policing responsibilities in more districts and units, demand will increase for its resources, especially in the areas of training and logistics. The ultimate success of the process of the reconstitution and development of the national police force will depend on the long-term commitment of the national police and the Government and will require the necessary budget allocations and coherent, realistic long-term planning. Continuing and coordinated long-term bilateral assistance also will be crucial in that regard.

24. Efforts to further F-FDTL development continue. On 9 May, the results of the latest recruitment were announced: 477 soldiers (44 women), 29 direct-entry sergeants (three women) and 73 direct-entry officers (no women). F-FDTL has worked with UNMIT and UNIFEM to include human rights and gender modules in its training, with an emphasis on the training of trainers.

E. Comprehensive review of the security sector

25. The Government continued to make efforts to strengthen security-sector legal frameworks. On 10 June, the Council of Ministers approved draft laws on national security, internal security and national defence, which have been submitted to the Parliament. The drafts propose an integrated approach to security and defence functions to address threats and describe cooperation and coordination mechanisms, while allowing a broader scope for F-FDTL involvement in internal security matters in certain circumstances. On 2 September, my Deputy Special Representative for Security Sector Support and Rule of Law participated in a hearing with the

Parliamentary Committee on Foreign Affairs, Defence and National Security to discuss the draft laws. In presenting observations on the draft laws, he stressed in particular the need for a clear delineation of the roles of the national police and F-FDTL and appropriate civilian oversight pursuant to the Constitution of Timor-Leste.

26. The Government intensified its efforts to further develop a national security policy. In August, the Secretariat of State for Security, in cooperation with the Office of the President and with technical assistance from UNMIT, organized eight round-table discussions focused on policy, to which representatives of State institutions, civil society, UNMIT and the United Nations country team were invited. UNMIT also started working with the Secretariat of State for Security on the drafting of a law on civil protection and with the Secretariat of State for Defence on an options paper for a national defence institution to provide research and training.

27. The board of the security sector review project (see S/2009/72, para. 24) met five times, approving funding for several capacity-building initiatives. Those include the refurbishment and repair of more than 400 radios and four district radio repeater stations and related training in equipment maintenance for the national police, F-FDTL and the National Directorate for Security to Public Buildings. An international adviser for the Parliamentary Committee on Foreign Affairs, Defence and National Security was recruited with project funding, and tender responses are being considered for a board-approved public opinion survey on security issues.

III. Promotion of human rights and administration of justice

A. Support for the monitoring, promotion and protection of human rights

28. Human rights violations by members of the security services, in particular ill-treatment and excessive use of force and intimidation, continued to be reported. During the period under review, UNMIT received allegations of 44 cases of violations by the national police and 8 cases of violations by F-FDTL. Internal accountability mechanisms remained weak, and, in most cases, the members of the security services responsible for violations were not brought to justice. On 10 February, the Court of Appeal upheld a four-year prison sentence for a national police officer who was found guilty of attempted manslaughter for shooting and injuring a civilian. On 6 May, the Baucau District Court found a former national police subdistrict commander and two civilians guilty of arson committed in 2007 (see S/2007/513, para. 20) and sentenced each to three years' imprisonment.

29. Initiatives to strengthen the Office of the Provedor for Human Rights and Justice continued through a joint project of UNDP and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Activities included training, workshops and mentoring of the Provedor's monitoring and advocacy departments. On 29 June, the Provedor submitted its annual report, as well as its report on investigations into complaints received during the 2006 crisis, to the President of Parliament. The Provedor opened sub-offices in two districts during the reporting period. UNIFEM supported the Provedor's participation in the presentation of the initial State report of Timor-Leste to the Committee on the

Elimination of Discrimination against Women on 30 July. In addition, on 15 September, UNMIT issued its third public report on human rights developments in Timor-Leste, which covered the period from 1 July 2008 to 30 June 2009 and focused on key developments in relation to accountability and the combat against impunity for past and present human rights violations.

30. Further, but limited, progress was made towards holding accountable those responsible for criminal acts and human rights violations during the 2006 crisis, as recommended by the Independent Special Commission of Inquiry (S/2009/72, para. 29). OHCHR funded an international prosecutor to work specifically on those cases. As at 31 August, final judgement had been rendered in two cases involving convictions against seven persons; five trials were under way; and 13 cases were under investigation. The trials complied with international standards and respected the rights of defendants. However, obstacles to the enforcement of sentences remained. The four F-FDTL members convicted of manslaughter and attempted manslaughter in the shooting deaths of eight national police officers in 2006 continued to be held at a military facility rather than a civilian prison, and the court-ordered restitution to the widows of the victims remains unpaid.

31. Parliament has yet to discuss the recommendations of the Commission of Truth and Friendship (see S/2009/72, para. 30) and the Commission for Reception, Truth and Reconciliation. Consequently, the victims of crimes committed between 1974 and 1999 and their families are still seeking justice and reparations. From 17 to 19 June, the Office of the President, with the support of the Special Envoy of Norway to Timor-Leste, organized a national dialogue on justice and reconciliation with political party leaders and civil society representatives that resulted in a general consensus in favour of reparations for the most vulnerable victims of the violence that occurred during the period from 1974 to 1999 and the need for a follow-up institution to the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship. On 2 September, participants in a three-day "National Victims' Congress" organized by non-governmental organizations in Dili, with support from OHCHR, called for an international tribunal to prosecute the perpetrators of human rights abuses committed during the 1974-1999 period.

32. The investigations of the UNMIT Serious Crimes Investigation Team into cases of serious human rights violations committed in 1999 continued in 9 of 13 districts under the supervision of the Office of the Prosecutor-General. As at 31 August, the team had completed investigations into 89 of 396 outstanding cases; an additional 21 cases are currently under investigation. Serious challenges affected the pace of investigations, including difficulties in gaining access to remote areas due to road and weather conditions; the considerable travel time required as a result of the large areas of responsibility assigned to each investigation team; and requirements for additional translators and interpreters. UNMIT therefore assigned five additional interpreter positions, and will assign six UNMIT police investigators, to serious crimes investigations in October 2009, after village elections. In his speech on 30 August marking the tenth anniversary of the popular consultation, the President called on the United Nations to disband the "Serious Crimes Unit" and to direct the funds towards the strengthening of the Timorese judiciary. The efforts of the Serious Crimes Investigation Team, however, involve a resumption of only the investigative functions of the former Serious Crimes Unit. Subsequently, my Special Representative underlined to the President the importance of the investigations

mandated by the Security Council in its resolution 1704 (2006). At the same time, there is a need to strengthen the capacity of national investigators in this area.

33. On 8 August, police detained former Lakseur militia leader Martenus Bere on an outstanding warrant for crimes against humanity. Allegations against him include involvement in the Suai church massacre in Covalima District, perpetrated on 6 September 1999, in which as many as 200 people were killed, including women, children and three priests. Having taken up residence in Indonesia, he was arrested by the national police during a visit to Timor-Leste and transported to Becora prison in Dili as a pre-trial detainee. He was released on 30 August to Indonesian authorities at their embassy in Dili, reportedly as Indonesian officials awaited confirmation of the release before attending the popular consultation anniversary celebration in Timor-Leste. The release raises questions of violations of Timorese national law as well as of international standards and principles. The statement issued by my Spokesperson on 31 August reiterated the firm position of the United Nations that there can be no amnesty or impunity for serious crimes such as war crimes, crimes against humanity and genocide. The United Nations High Commissioner for Human Rights also sought urgent clarification regarding the reported release and stated publicly that she strongly opposed the release of someone for whom there is an arrest warrant of this nature.

34. The decision generated intense and broad cross-party debate in Parliament, where various Members of Parliament, including from both the opposition and the AMP governing coalition, demanded an explanation of the release. The decision has been described in different ways by Timorese authorities, Members of Parliament and civil society, ranging from a "political decision" to "political interference" in the judicial process. There were also calls for the Minister of Justice and the Prosecutor-General to address Parliament. On 9 September, the President of the Court of Appeal issued a communiqué stating that the release was not ordered by a court decision and that the Judicial Inspector would investigate the matter. On 10 September, the Prime Minister stated publicly, in a national television address, that he was responsible for the decision. On 14 September, the party bench leader of Fretilin introduced a motion of "no confidence" in Parliament, which decided on 22 September to schedule a debate on the motion on 5 and 6 October. The manner in which the case has been handled could have serious consequences for the prospects of ensuring accountability for the serious crimes which occurred in 1999.

35. UNMIT intensified its efforts to prevent and address cases of misconduct in the implementation of my bulletin on the prohibition of discrimination; harassment, including sexual harassment; and abuse of authority (ST/SGB/2008/5). To raise awareness of measures to prevent sexual exploitation and abuse, the standards of conduct expected of United Nations personnel and the reporting mechanisms available to the local population, UNMIT organized outreach activities in all districts and followed up with civil society organizations. Consultations are ongoing with the United Nations country team to strengthen an integrated approach, including for the establishment of a network for assistance to victims and protection from sexual exploitation and abuse. As at 31 August, two cases of sexual exploitation and abuse had been reported; one was found to be unsubstantiated, while the other remains under investigation by the Office of Internal Oversight Services. Increased tracking of infractions and the entry of past cases into the misconduct tracking system increased the number of cases in the database. UNMIT continued to provide awareness training to all United Nations staff as part of the

implementation of the "UN Cares" strategy, and 701 staff (118 women) had received the mandatory orientation training on HIV/AIDS as at 31 August. UNMIT also carried out a campaign promoting voluntary and confidential counselling and testing services and a more tolerant work environment through a network of 18 trained peer educators (10 women).

B. Support for capacity-building and the strengthening of the justice system

36. The Government made significant progress towards the adoption of key legislation and the development of a strategic plan for the justice sector. Parliament approved a witness protection law on 17 February, and an instrument of ratification of the United Nations Convention against Corruption was deposited by the Government on 27 March. On 8 June, the new penal code entered into force, incorporating core international criminal law and international human rights standards and making domestic violence a public crime. A separate law specifically addressing domestic violence was approved by the Council of Ministers on 19 August. The Ministry of Justice also conducted public consultations on a draft land law. UNMIT contributed to those efforts through the provision of technical assistance and recommendations on draft legislation. The enactment of the penal code notwithstanding, sexual assault and domestic violence cases, as well as many other disputes, continued to be handled mainly through traditional mechanisms. UNDP and UNMIT also assisted the Ministry in the undertaking of a consultative process on access to justice, customary law and local justice in order to elaborate guidelines for policy development and the formulation of draft legislation on "traditional justice". With UNMIT support, four consultants were selected to conduct the independent comprehensive needs assessment of the justice sector (S/2006/628, para. 88) from 3 August to 28 September. The extensive set of recommendations resulting from the assessment is meant to be considered in conjunction with the strategic plan for the justice sector that will be submitted to the Council of Coordination (comprising the President of the Court of Appeal, the Minister of Justice and the Prosecutor-General).

37. Some improvements and systemic changes were achieved in the context of the investigation and prosecution of crimes with the increased use of the formal justice system. The Office of the Prosecutor-General reported that it handled 3,120 cases from 1 January to 31 August, while the number of pending criminal cases nationwide decreased from approximately 5,400 to 5,013. This is a welcome development, in particular given the significant number of new cases received in Dili alone and the court recess during the same period (see S/2009/72, para. 34). National capacity was further strengthened with the graduation of four prosecutors from the UNDP-supported Legal Training Centre on 5 March. The justice sector also benefited from the swearing in on 18 May of two new judges and four public defenders. In the corrections area, UNDP and the United Nations Office for Project Services provided support for the ongoing rehabilitation of a prison in Manatuto District.

IV. Support for the "compact", socio-economic development, humanitarian assistance and early recovery

A. Support for the "compact" process

38. Progress was shown in meeting targets for the national priorities that constitute the international compact for Timor-Leste (see S/2008/501, para. 36). More than 60 per cent of the targets set for the first and second quarters of 2009 were met or efforts are well under way towards their completion, demonstrating the commitment of the Government and development partners to the priorities process. Working group membership was expanded to include civil society representation. Moreover, the Government designated the national priorities mechanism as the framework for aligning its 2010 budget preparations, its medium-term strategic development plan and donor support. Following the renewed expression of commitment by the Government to mainstream the Millennium Development Goals into key national development processes, the United Nations system is supporting the Government to ensure that national priority targets for 2010 are reflective of the Goals.

B. Socio-economic development

39. As estimated by the International Monetary Fund (IMF), the non-oil gross domestic product (GDP) increased by an estimated 12.8 per cent in 2008. IMF projects that real non-oil GDP will grow by 7.2 per cent in 2009 and 7.9 per cent in 2010. Since 2007, budget execution has accelerated, providing a major fiscal stimulus for economic growth. The Government injected more cash into the economy in 2008 than in previous years, including through targeted transfer payments totalling about $85 million to such groups as internally displaced persons and the elderly, which provided a significant economic stimulus. However, the achievement of a sustainable economic base will require the directing of resources for investment in the productive non-oil sectors of the economy in order to reduce poverty, improve livelihoods and create job opportunities.

40. The 2009 Timor-Leste Development Partners Meeting was held from 2 to 4 April. The international community (represented by UNMIT, the World Bank, the United Nations country team and 45 bilateral and multilateral delegations) reaffirmed its willingness to align programmes with the Government's development strategies, in line with the principles of the Paris Declaration on Aid Effectiveness. Civil society and private-sector representatives also attended. During the meeting held on 3 April, the Prime Minister launched the 2009 Millennium Development Goals report on Timor-Leste, which highlights the fact that further steps are required for the country to achieve the Goals. As the report indicates that in 2007 half of the population lived on less than $0.88 per day, it is critical that the Government continue its efforts to strengthen programmes to achieve the Millennium Development goal of eradicating extreme poverty and hunger.

41. In endeavouring to achieve the Millennium Development Goals, the Government is taking measures to further improve basic education, health and nutrition, and child protection. It conducted a month-long nationwide multi-antigen campaign in June for 194,000 children and 237,000 women, approximately 40 per cent of the total population, to accelerate the achievement of the Goals related to

child survival and maternal health. Timor-Leste has also conducted a nutrition landscape analysis as recommended by the United Nations Standing Committee on Nutrition — the only country in Asia to do so. Five trainings on basic emergency obstetric care, supported by the United Nations Population Fund (UNFPA), were conducted for 60 midwives and six physicians. The Timor-Leste National Commission for the United Nations Educational, Scientific and Cultural Organization was launched on 23 April; it will work with governmental and non-governmental bodies in areas such as education, science and communication.

42. The Government made efforts to enhance rural development through improvements in food production. In line with Government policies, the Food and Agriculture Organization of the United Nations (FAO) distributed high-quality maize and rice seeds and fertilizer to 30,000 food-insecure farming households. In addition, FAO produced and distributed metallic silos to more than 3,000 rural households with the aim of reducing post-harvest losses, which amount to approximately 30 per cent under traditional storage methods. As a result of the combined effect of those and other Government investments in the agriculture sector, as well as favourable climatic conditions, the maize and rice harvests for 2009 are expected to be 15 per cent higher than in 2008. However, further efforts are required to implement the Government's policy of increasing purchases of domestically produced crops, particularly in the light of such factors as the importation of rice for subsidized sale, delays in Government payments to local suppliers and lack of effective information to farmers about the policy.

43. The implementation of a three-year Millennium Development Goal Achievement Fund Joint Programme focusing on gender-based violence, with $4.9 million in funding, began in 2009. The implementing partners — UNIFEM, UNDP, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and UNFPA — are supporting Government counterparts in the development of a national public-information campaign on human trafficking and a long-term media and advocacy strategy. The project also supported capacity-building sessions with the national police vulnerable persons and community police units on rules and operational procedures for the investigation of child abuse and gender-based violence. On 29 May, the Government, with UNICEF support, launched its first-ever social mobilization strategy for child protection. It offers a comprehensive approach to raising community awareness with respect to all forms of violence, abuse and exploitation against children and to strengthening the child-protection system. On 22 September, the Government also established the National Commission for the Rights of the Child. In July, the Millennium Development Goal Achievement Fund approved a three-year joint programme for the promotion of sustainable food and nutrition security with a $3.5 million budget, which will be implemented by UNICEF, the World Health Organization (WHO), the World Food Programme, and FAO, in collaboration with the relevant national counterparts.

44. According to ILO estimates, the existing labour force in Timor-Leste exceeds 300,000. The Government reported that it created 47,500 jobs in 2008 through direct and indirect wage generation and expects to generate 45,000 jobs in 2009. The private sector remained small, with 40,000 people, most of them self-employed. With ILO technical assistance, 6,247 people (29 per cent women) were employed through programmes implemented by the Secretariat of State for Vocational Training and Employment, which created a total of 183,563 workdays of employment. The United Nations Industrial Development Organization continued to support a centre

that provides opportunities for vulnerable groups through the sale of bamboo-based products to enable sustainable livelihoods. On 16 June, the instruments of ratification of four ILO core conventions were deposited in Geneva (Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour). The Asian Development Bank assisted the Government in the development of an updated master plan for roads and supported the rehabilitation of four crucial roads.

45. On 25 August, Parliament ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, allowing for the universal ratification of both treaties.

C. Humanitarian assistance and support for early recovery

46. All 65 camps for internally displaced persons have officially closed, and 14,000 families had benefited from recovery packages as at 31 August. With the exception of 420 families residing in transitional shelters as at 31 August, most internally displaced persons have returned or resettled without any major security incidents. That remarkable progress is the result of concerted efforts by the Government and humanitarian partners. On 11 September, the Ministry of Social Solidarity announced that transitional shelters would close in September. However, given that a survey conducted by the Norwegian Refugee Council indicated that 58 per cent of the 420 families residing in transitional shelters did not own a house prior to the 2006 crisis, the resolution of such cases will likely require additional time and a more targeted approach.

47. Continued attention to the post-return phase is essential so as to ensure that recovery issues such as livelihood and income-generating opportunities and access to water and basic services are duly addressed, as they are potentially destabilizing factors identified in communities of return. Post-return assistance has been provided to returning internally displaced persons and receiving community members through small infrastructure projects. Ongoing UNDP and IOM projects are intended to build social cohesion and prevent renewed conflict by engaging communities in areas of return in planning projects that are of common benefit to both receiving communities and returning internally displaced persons. Additional resources for the reintegration of such persons were secured through the Peacebuilding Fund emergency window.

48. On 31 March, 11 clusters were formed by the United Nations system in partnership with the Government of Timor-Leste, reflecting the global humanitarian structure. As part of the 2005 global humanitarian reform pillars, "cluster leads" were designed as a mechanism to help identify and address gaps in humanitarian response and enhance the quality of humanitarian action, with clusters constituting a partnership between the Government, non-governmental organizations, international organizations, the International Red Cross and Red Crescent Movement and United Nations agencies. The 11 clusters focused on early recovery activities and assisting the Government in natural-disaster preparedness, emergency response and contingency planning. UNDP and IOM provided technical support for Government

counterparts in the area of disaster management. The Government, with WFP support, established a multi-agency food security assessment system to help improve disaster preparedness and response. WFP also continued to provide food assistance to the country's most food-insecure and vulnerable groups, such as pregnant and lactating women and children under 5 years of age through the Mother and Child Health Nutrition Programme (53,000 beneficiaries); schoolchildren through the School Feeding Programme (212,000 beneficiaries); food-insecure communities through Food For Work/Asset Programme (19,000 beneficiaries); returning internally displaced persons (30,000 beneficiaries); and relief to those affected by natural disasters (10,000 beneficiaries). The Government, with WHO support, intensified case surveillance and the stockpiling of drugs in response to the influenza A (H1N1) pandemic.

V. Medium-term strategy

49. Continued incremental progress has been achieved towards the priority benchmarks developed to cover the four mandated priority areas of UNMIT: review and reform of the security sector; strengthening of the rule of law; promotion of a culture of democratic governance and dialogue; and economic and social development (see S/2009/72, para. 47, and annex). UNMIT and the United Nations country team developed an integrated strategic framework that outlines goals and activities in support of the realization of the benchmarks. As regards the first priority benchmark, relating to the strengthening of security sector institutions, various laws and regulations have been promulgated, including on police promotion, salaries and service structures (see para. 22 above). Other laws approved by the Council of Ministers are under consideration by Parliament, such as the draft national security, internal security and national defence laws. The resumption of primary policing responsibilities by the national police also indicated progress in the sector (see para. 20 above).

50. Regarding the second priority benchmark, relating to outstanding investigations and enhancing the functioning of the judiciary, some progress was achieved on serious crimes investigations and on the implementation of the recommendations of the Special Commission of Inquiry (see para. 30 above). An independent, comprehensive needs assessment of the justice sector is under way. Once completed, the review and implementation of its recommendations, in liaison with the Timorese authorities and in conjunction with the strategic plan for the justice sector (see para. 36 above), will provide further momentum towards reaching this benchmark. With respect to the third priority benchmark, on adherence to the values and principles of sustainable democratic governance through respect for Constitutional rights and guarantees for all citizens and to ethical standards, the Government has sought at various levels to ensure strict ethical standards (see para. 12 above) and to enhance respect for the rule of law (see paras. 36 and 37 above). The fourth priority benchmark refers to improved quality of life and increased employment opportunities, especially focusing on rural areas and young people and the sustainable return and reintegration of internally displaced persons. The Government, with the support of UNMIT and the United Nations country team, made concerted efforts to improve basic social services and livelihoods (e.g., in the areas of education, health and nutrition, child protection), reduce poverty and create additional employment opportunities (see paras. 38, and 41-44 above). A national

youth employment action plan and national employment strategy were also completed, and efforts are ongoing to ensure durable solutions for internally displaced persons.

51. Many other efforts have been made by the Government, UNMIT and other partners to achieve the benchmarks. For example, within the security sector, new F-FDTL recruitment began, and UNMIT is facilitating discussions between the Secretary of State for Defence and bilateral partners for further development of F-FDTL. The Ministry of Defence and Security is recruiting 12 civil servants for procurement and asset management. On 7 July, Parliament approved amendments to the law on liberation combatants, making more veterans eligible for pension payments. Regarding the judiciary, the rule of law and human rights, a bimonthly informal donor forum was established with the diplomatic community for policy discussion on assistance to the justice sector, in particular with a view to addressing gaps and overlaps. The new criminal code came into effect, and the courts made efforts to improve the number of decisions taken in civil cases to avoid an increase in the number of those pending. A review of the requirements for a case-management system for the justice sector is under way in an effort to establish more efficient caseload administration.

VI. Financial aspects

52. The General Assembly, by its resolution 63/292, appropriated the amount of $205.9 million for the maintenance of UNMIT for the period from 1 July 2009 to 30 June 2010. As at 31 August 2009, unpaid assessed contributions to the special account for UNMIT amounted to $77.7 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $3,741.3 million. As at 30 June 2009, amounts owed to formed police contributors to UNMIT totalled $7.4 million. Reimbursement of formed police units costs and payments for equipment owned by formed police units have been made for periods up to 30 November 2008 and 30 September 2008, respectively, in accordance with the quarterly payment schedule.

VII. Observations

53. The leaders and people of Timor-Leste were able to celebrate the tenth anniversary of the popular consultation in an atmosphere of continuing safety and stability. That is due, in no small part to the determined commitment of the people and the State institutions of Timor-Leste to taking the measures necessary for continued progress. UNMIT and the United Nations country team, together with other partners, have provided critical support to those efforts. However, progress and stability remain fragile. While the process of the return and resettlement of internally displaced persons, a visible residual challenge from the 2006 crisis, has been by all measures successful, tensions in some communities remain and could lead to future local-level conflicts. The closure of transitional shelters also presents challenges, especially given the special vulnerabilities of the families living there, and much will depend on the Government's integrated efforts to ensure durable solutions. In addition, many of the underlying factors contributing to the 2006 crisis remain, despite the important steps carried out to address some of them, inter alia,

poverty (which has increased) and unemployment, lack of an effective land and property regime and still-developing institutions, including in the justice and security sectors. While it is encouraging that the national police has begun resumption of primary policing responsibilities and the security environment continues to be stable, much remains to be done to fully develop and strengthen the security institutions of Timor-Leste. More time is required to ensure that the various efforts aimed at tackling the many political, institutional and socio-economic challenges facing the young nation of Timor-Leste are allowed to take root in democratic institutions and processes.

54. The efforts of President Ramos-Horta to promote continued dialogue across the political spectrum and among all segments of society — including women and men alike — to address priority issues facing the country are commendable. My Special Representative will continue his good-offices efforts to promote constructive political dialogue and facilitate unity of effort among all political actors on important national issues. Public statements by and the actions of various political actors demonstrating respect for the rule of law and the institutions of State, as well as the ability of the governing AMP coalition and the opposition to jointly support some legislation in Parliament, have been encouraging. While the exchange of differing opinions is an integral element of multiparty democracy, such discourse should be constructively conducted and not exploited to heighten tensions in society. I encourage the Government and Parliament to continue broad consultation efforts, such as those undertaken regarding the draft laws on land and local government.

55. Renewed political dialogue — involving political parties as well as broader civil society — on issues such as the provision of reparations to victims, justice and reconciliation, and implementation of the recommendations of the reports of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship, is promising. However, victims and their families are still seeking justice and reparations for criminal acts committed from 1974 to 1999. The recommendations of the two Commissions have not yet been discussed in Parliament. The prolonged delay in delivering justice and providing reparations may further adversely affect public confidence in the rule of law. I therefore encourage the Government of Timor-Leste to make every effort to ensure broad-based discussions and follow-up on the recommendations, consistent with the needs and expectations of the Timorese people. It is also my hope that the Governments of both Timor-Leste and Indonesia will ensure that Martenus Bere is brought to justice, taking into account the report of the Commission of Experts appointed in 2005 (see S/2005/458).

56. Long-term security and stability will depend on the capacity of the security institutions to function in an accountable and effective manner, with due respect for the rule of law and human rights. The provisions contained in the package of draft legislation currently being considered by Parliament which are aimed at upholding human rights, the rule of law and civilian oversight are commendable. However, defining a meaningful role for F-FDTL in a peacetime setting, clarifying its relationship with the national police and establishing accountability mechanisms and civilian oversight will be among the main challenges for the Government in seeking consensus on and implementing such legislation. As my Deputy Special Representative of the Secretary-General for Security Sector Support and Rule of Law has shared with various Timorese interlocutors, the draft legislation's proposed

mechanisms for parliamentary oversight could be strengthened and provisions dealing with crisis situations must clearly articulate the different roles and responsibilities of F-FDTL and the national police, in conformity with the Constitution of Timor-Leste. Given the importance of promoting awareness among the general public on the key issues raised by the draft security legislation, it is encouraging that the Parliamentary Committee on Foreign Affairs, Defence and National Security is planning to hold public hearings in Baucau, Oecussi and Maliana.

57. Timor-Leste and UNMIT are currently at the beginning of a delicate process, as the national police force begins to reassume primary policing responsibilities. The steady and deliberate pace of the resumption of primary policing responsibilities by the national police force reflects the serious consideration given to the criteria developed jointly by UNMIT and the Timorese authorities. This approach, which is not bound by a pre-determined, artificial timeline, is necessary for the sustainable and long-term development of the institution as well as to avoid a recurrence of the systematic failures that affected the police service in 2006. Continued monitoring by UNMIT police in those districts and units that resume responsibilities will be critical to ensuring the implementation of policies and procedures; assessing institutional capabilities to deal with disciplinary and human rights violations; and identifying further measures needed for strengthening the development of the national police, as well as trends. In conjunction with this monitoring role, there is a need to maintain the capability of UNMIT police to assume, in extremis, interim law enforcement, if requested and required. I commend the Government's efforts to date, in keeping with its responsibilities under the certification process, to remove officers deemed unsuitable for police service. Its continued efforts to remove such officers are critical to the credibility and integrity of the national police.

58. Despite the progress made in the resumption of primary policing responsibilities by the national police, much more needs to be done. I thus believe that the present strength and composition of UNMIT should be maintained. This includes the UNMIT formed police units, especially given that the national police special units are undergoing the organizational reforms required under the new national police organic law. Any possible adjustments in the numbers of UNMIT police should be carried out in a gradual, step-by-step manner that helps maintain public confidence in the current stable security situation. Timor-Leste is making continuous efforts to strengthen dialogue with a group of key bilateral partners on public security issues. Their coordinated efforts to support the Government and the national police could significantly enhance the prospect of long-term stability. Furthermore, as my Special Representative informed the Security Council on 19 February 2009, a technical assessment mission will visit Timor-Leste late in October to develop medium-term recommendations for the configuration of UNMIT, including the police component. The recommendations of the assessment mission will be valuable for formulating my proposals for possible adjustments in the mandate, composition and strength of UNMIT, which will be contained in my next report, due on 1 February 2010.

59. Weaknesses in the judiciary continue to affect public confidence in the entire rule-of-law system, including in the national police. Despite some progress, the prosecution service is still facing serious challenges owing in part to limited specialized prosecutorial capacity and the lack of an overall functioning

administrative system. The recommendations of the independent comprehensive needs assessment should be utilized as a contribution to a coordinated and considered approach to justice sector reform and also facilitate the identification and provision of the assistance that is most needed from the international community.

60. The efforts being made to ensure the responsible management of State resources are also commendable. The Petroleum Fund is the major source of income for Timor-Leste and should continue to be managed to ensure predictable returns in the long term. Strengthened fiscal prudence must, at the same time, facilitate a well-balanced public investment programme, focusing on employment generation and the expansion of the non-oil economy as vital to human development and economic growth. However, such efforts ultimately depend on the political will of the Government and State institutions, with the support of civil society, to instil and nurture a culture of accountable and transparent governance.

61. The people of Timor-Leste have repeatedly demonstrated the resolve necessary to build a democratic, peaceful and stable society. However, seven years after the restoration of independence, much remains to be done in Timor-Leste, which requires continued support from the international community. State institutions still require international support in many areas, in particular to meet challenges relating to security and stability; the rule of law, justice and human rights; democratic governance and dialogue; and socio-economic development. The UNMIT integrated "one United Nations system" approach again proved its effectiveness and efficiency in helping provide such support in those priority areas.

62. In conclusion, I wish to thank my Special Representative, Atul Khare, for his leadership and congratulate all the men and women of UNMIT and the United Nations country team for their dedication and determined efforts, in continued close partnership with the Timorese people, to advance the cause of peace and stability in Timor-Leste.